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HOUSE BILL NO. 1386

Offered January 9, 2013

Prefiled December 14, 2012

A BILL to amend and reenact § 46.2-1139 of the Code of Virginia, relating to permits for excessive vehicle size and weight.

 Patron—Tata

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:**1. That § 46.2-1139 of the Code of Virginia is amended and reenacted as follows:****§ 46.2-1139. Permits for excessive size and weight generally; penalty.**

A. The Commissioner and, unless otherwise indicated in this article, local authorities of cities and towns, in their respective jurisdictions, may, upon written application and good cause being shown, and pursuant to the requirements of subsection A1, issue a permit authorizing the applicant to operate on a highway a vehicle of a size or weight exceeding the maximum specified in this title. Any such permit may designate the route to be traversed and contain any other restrictions or conditions deemed necessary by the body granting the permit.

A1. Any city or town, as authorized under subsection A, or any county that has withdrawn its roads from the secondary system of state highways that opts to issue permits under this article shall enter into a memorandum of understanding with the Commissioner that at a minimum:

1. Allows the Commissioner to issue permits on behalf of that locality; and

2. Provides that the locality shall satisfy the following requirements prior to issuing such permits:

a. The locality shall have applications for each permit type available online.

b. The locality shall have designated telephone and fax lines to address permit requests and inquiries.

c. The locality shall have at least one staff member whose primary function is to issue permits.

d. The locality shall have one or more engineers on staff or contracted to perform bridge inspections and provide analysis for overweight vehicles.

e. The locality shall maintain maps indicating up-to-date vertical and horizontal clearance locations and limitations.

f. The locality shall provide to the Department an emergency contact phone number and assign a staff person who is authorized to issue the permit or authorized to make a decision regarding the permit request at all times (24 hours a day, seven days a week).

g. The locality shall process a "standard permit" for a "standard vehicle" by the next business day after receiving the completed permit application. Each locality shall define "standard vehicle" and "standard permit" and provide the Department with those definitions. All other requests for permits shall be processed within 10 business days.

h. The locality shall retain for at least 36 months all permit data it collects.

i. The locality shall maintain an updated list of all maintenance and construction projects within that locality. The list shall provide starting and ending locations and dates for each project, and shall be updated as those dates change.

j. The locality shall maintain a list of restricted streets. This list shall indicate all times of travel restrictions, oversize restrictions, and weight restrictions for streets within the locality's jurisdiction.

If the locality satisfies the requirements in the memorandum of understanding, the locality may issue permits under this article.

B. Except for permits issued under § 46.2-1141 for overweight vehicles transporting containerized freight and permits issued for overweight vehicles transporting irreducible loads, no overweight permit issued by the Commissioner or any local authority under any provision of this article shall be valid for the operation of any vehicle on an interstate highway if the vehicle has:

1. A single axle weight in excess of 20,000 pounds; or

2. A tandem axle weight in excess of 34,000 pounds; or

3. A gross weight, based on axle spacing, greater than that permitted in § 46.2-1127; or

4. A gross weight, regardless of axle spacing, in excess of 80,000 pounds.

C. The Commissioner may issue permits to operate or tow one or more travel trailers as defined in § 46.2-1900 or motor homes when any of such vehicles exceed the maximum width specified by law, provided the movement of the vehicle is prior to its retail sale and it complies with the provisions of § 46.2-1105. A copy of each such permit shall be carried in the vehicle for which it is issued.

D. 1. Every permit issued under this article for the operation of oversize or overweight vehicles shall

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59 be carried in the vehicle to which it refers and may be inspected by any officer or size and weight
60 compliance agent. Violation of any term of any permit issued under this article shall constitute a Class 1
61 misdemeanor. Violation of terms and conditions of any permit issued under this article shall not
62 invalidate the weight allowed on such permit unless (i) the permit vehicle is operating off the route
63 listed on the permit, (ii) the vehicle has fewer axles than required by the permit, (iii) the vehicle has less
64 axle spacing than required by the permit when measured longitudinally from the center of the axle to
65 center axle with any fraction of a foot rounded to the next highest foot, ~~or~~ (iv) the vehicle is
66 transporting multiple items not allowed by the permit, *or (v) the permitted vehicle exceeds the maximum*
67 *standard permit weight and is not operating under a super load permit as required by regulations of the*
68 *Commissioner or the Department.*

69 2. Any multi-trip permit authorizing the applicant to operate on a highway a vehicle of a size or
70 weight exceeding the maximum specified in this title may be transferred to another vehicle no more than
71 two times in a 12-month period, provided that the vehicle to which the permit is transferred is subject to
72 all the limitations set forth in the permit as originally issued. The applicant shall pay the Department an
73 administrative fee of \$10 for each transfer.

74 E. Any permit issued by the Commissioner or local authorities pursuant to state law may be
75 restricted so as to prevent travel on any federal-aid highway if the continuation of travel on such
76 highway would result in a loss of federal-aid funds. Before any such permit is restricted by the
77 Commissioner, or local authority, written notice shall be given to the permittee.

78 F. When application is made for permits issued by the Commissioner as well as local authorities, any
79 fees imposed therefor by the Commissioner as well as all affected local authorities may be paid by the
80 applicant, at the applicant's option, to the Commissioner, who shall promptly transmit the local portion
81 of the total fee to the appropriate locality or localities.

82 G. Engineering analysis, performed by the Virginia Department of Transportation or local authority,
83 shall be conducted of a proposed routing before the Commissioner or local authority issues any permit
84 under this section when such analysis is required to promote safety and preserve the capacity and
85 structural integrity of highways and bridges. The Commissioner or local authority shall not issue a
86 permit when the Virginia Department of Transportation or local authority determines that the roadway
87 and bridges to be traversed cannot sustain a vehicle's size and weight.